

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GERALD ROBBINS,

Petitioner,

v.

WARDEN HUGH SMITH,

Respondent.

CIVIL ACTION FILE
NO. 1:08-CV-1351-TWT

ORDER

This is a pro se petition for writ of habeas corpus. It is before the Court on the Report and Recommendation [Doc. 10] of the Magistrate Judge recommending granting the Petitioner's Motion to Request Equitable Tolling [Doc. 4] and denying the Respondent's Motion to Dismiss [Doc. 8]. The Respondent's Objections are without merit for the reasons set forth in the thorough and well reasoned Report and Recommendation of the Magistrate Judge. The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Petitioner's Motion to Request Equitable Tolling [Doc. 4] is GRANTED. The Respondent's Motion to Dismiss [Doc. 8] is DENIED.

SO ORDERED, this 13 day of February, 2009.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge